

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CARLA RUTH TOBY, Personal Representative  
for the Estate of GRETA CRESWELL,

Plaintiff,

vs.

SAFEWAY INC., a foreign corporation,

Defendant.

No.

SAFEWAY INC.'S NOTICE OF  
REMOVAL OF ACTION TO 28 U.S.C. §§  
1332, 1441 AND 1446

[REMOVED FROM KING COUNTY  
SUPERIOR COURT CAUSE NO. 21-2-  
13757-8 SEA]

TO: Clerk, U.S. District Court, Western District of Washington at Seattle;

AND TO: Plaintiff's Counsel of Record.

Defendant Safeway Inc. hereby removes to this Court the state court action described below on the grounds stated herein, and as supported by the Declaration of Kimberly A. Reppart and the exhibits attached thereto.

**I. INTRODUCTION & STATEMENT OF FACTS**

On October 18, 2021, Plaintiff served defendant Safeway Inc. with a lawsuit captioned in King County Superior Court entitled *Carla Ruth Toby, Personal Representative for the Estate of Greta Creswell v. Safeway Inc.*, Declaration of Kimberly A. Reppart, Exs. 1 and 2.

SAFEWAY INC.'S NOTICE OF REMOVAL OF ACTION  
TO 28 U.S.C. §§ 1332, 1441 AND 1446 – 1  
CAUSE NO.

3095582 / 824.0101

**FORSBERG & UMLAUF, P.S.**  
ATTORNEYS AT LAW  
901 FIFTH AVENUE • SUITE 1400  
SEATTLE, WASHINGTON 98164  
(206) 689-8500 • (206) 689-8501 FAX

1 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed  
 2 "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the  
 3 initial pleading setting forth the claim for relief upon which such action or proceeding is based..."  
 4 28 U.S.C. § 1446(b)(1). Plaintiff is claiming more than \$75,000 in damages, as confirmed by  
 5 01/09/2019 Optum lien correspondence confirming \$204,108.68 in alleged medical specials.  
 6 Reppart Decl., Ex. 4.

7 Plaintiff is a resident of the State of Washington. Reppart Decl., Ex. 2. Safeway Inc. is a  
 8 Delaware corporation with headquarters located in Pleasanton, California. Reppart Decl., Ex. 3.

## 9 II. BASES FOR REMOVAL

### 10 A. There is Complete Diversity of Citizenship under 28 USC § 1332.

11 This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §  
 12 1332(a)(1) and (a)(3), and this action is one that can be removed to this Court by Defendant  
 13 pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and  
 14 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

15 The Plaintiff is a resident of Washington State. Reppart Decl., Ex. 2. Defendant Safeway  
 16 Inc. is a Delaware corporation with headquarters located in Pleasanton, California. Reppart Decl.,  
 17 Ex. 3. Removal of the Plaintiff's action to this Court is proper because there is complete diversity  
 18 of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the  
 19 time Plaintiff's lawsuit was served.

### 20 B. The Amount in Controversy Exceeds the Jurisdictional Minimum.

21 Plaintiff is claiming more than \$75,000 in damages, as confirmed by 01/09/2019 Optum  
 22 lien correspondence confirming \$204,108.68 in alleged medical specials. Reppart Decl., Ex. 4.

1 This information is sufficient to conclude that plaintiff seeks to recover in excess of \$75,000 in  
2 damages against Defendant.

3 **C. This Notice of Removal is Timely Under 28 USC § 1446(b).**

4 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed  
5 "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the  
6 initial pleading setting forth the claim for relief upon which such action or proceeding is based..."  
7 28 U.S.C. § 1446(b)(1).

8 **D. This Notice of Removal Complies with the Applicable Local Rules, and**  
9 **Venue Is Proper in the Western District of Washington under 28 U.S.C. §**  
10 **128(b).**

11 This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and  
12 Local Rules. Defendant has attached to the Declaration of Kimberly Reppart, filed in support of  
13 this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as  
14 required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b)  
15 and 1391, because this District encompasses King County, the county listed in the state court  
16 complaint served on Defendant.

17 Defendant is serving Plaintiff with copies of this Notice of Removal and the supporting  
18 Declaration of Kimberly Reppart (with exhibits).

19 **III. CONCLUSION**

20 Plaintiff's civil action, originally venued in King County Superior Court for the State of  
21 Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District  
22 Court for the Western District of Washington at Seattle.

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1 Dated this 12<sup>th</sup> day of November, 2021.

2 FORSBERG & UMLAUF, P.S.

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4 \_\_\_\_\_  
5 Kimberly A. Reppart, WSBA #30643  
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